

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CHELSEY CHARDE COOK,)	
)	
Petitioner,)	8:18CV505
)	
v.)	
)	
STATE OF NEBRASKA,)	MEMORANDUM AND ORDER
)	
Respondent.)	
_____)	

Petitioner has filed a petition for a writ of habeas corpus attacking her conviction and sentence, after a bench trial, of intentional child abuse resulting in death. Respondent, through its superb counsel, has filed the necessary state court records, an answer and a brief. Petitioner has not responded. I now deny the petition for writ of habeas corpus with prejudice for the reasons articulated in the brief of the Respondent.

There is no reason to gild the lily except to agree that Claims¹ One and Two have been procedurally defaulted without excuse. As to Claim Three (sufficiency of the evidence), given the deference I must give to the last reasoned decision of the state court, that decision was not contrary to, nor involved, an unreasonable application of clearly established federal law as determined by the United States Supreme Court.

Finally, a petitioner cannot appeal an adverse ruling on his petition for writ of habeas corpus under § 2254 unless he is granted a certificate of appealability. 28 U.S.C. § 2253(c)(1); 28 U.S.C. § 2253(c)(2); Fed. R. App. P. 22(b)(1). The standards for certificates (1) where the district court reaches the merits or (2) where the district court rules on procedural grounds are set forth in *Slack v. McDaniel*, 529 U.S. 473,

¹ See filing no. [5](#) for the claims.

484-485 (2000). I have applied the appropriate standard and determined that Petitioner is not entitled to a certificate of appealability.

IT IS ORDERED that the petition for writ of habeas corpus (filing no. [1](#)) is denied and dismissed with prejudice. No certificate of appealability has been or will be issued. A separate judgment will be entered.

DATED this 15th day of March, 2019.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge